

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOE SUNSHINE TRADING LLC,

Plaintiff,

-against-

SHANGHAI TO-MAX TEXTILE CO., LTD., NEW
WAVE FASHION INC., TOP FASHION GROUP
INC., GLORY VICTORY TRADING LIMITED,

Defendants.

23-CV-4444 (VEC)

DEFAULT JUDGMENT

This action having been commenced on May 30, 2023 with the filing of a summons and complaint¹, and an amended complaint was filed on June 5, 2023, and a copy of the summons and amended complaint having been served on defendant Glory Victory Trading Limited by personally serving Doreen Springette, assistant manager of Vistra (BVI) Limited which is the registered agent for Glory Victory Trading Limited on August 15, 2023, Doc #19; and a copy of the summons and amended complaint was served on New Wave Fashion Inc. by personally serving Nancy Dougherty, of the Office of the New York Secretary of State, as the statutory agent for New Wave Fashion Inc. under New York's Business Corporation Law §307 ("BCL 307"), and proof of service thereof was filed on June 16, 2023, Doc #12, and on June 29, 2023 an additional mailing of the summons and amended complaint with notice of service was sent to New Wave Fashion Inc. by Registered Mail pursuant to BCL 307, and proof of service thereof was filed on July 3, 2023, Doc #15, and said Registered Mail was returned "Refused" and on July 26, 2023 a further additional mailing was made under BCL 307 and proof of service thereof filed on July 27, 2023, Doc #16; and Plaintiff, Joe Sunshine Trading, LLC having not served

¹ The initial complaint was not served.

defendant Shanghai To-Max Textile Co., Ltd. and consented to withdraw its claims against said defendant without prejudice upon entry of this judgment, and having moved for a default judgment against defendants Glory Victory Trading Limited and New Wave Fashion Group Inc, pursuant to the Individual Rules of Judge Valerie E. Caproni, and the Federal Rules of Civil Procedure, providing defendants Glory Victory Trading Limited and New Wave Fashion Group with additional notice that plaintiff would be seeking entry of judgment by default, and the defendants Glory Victory Trading Limited and New Wave Fashion Group Inc not having answered the Amended Complaint, and the time for answering the Amended Complaint having expired, it is hereby,

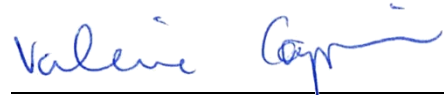
ORDERED, ADJUDGED and DECREED, that plaintiff, Joe Sunshine Trading, LLC, having its principal place of business at 237 West 37th Street, New York, New York 10018 have judgment against defendants New Wave Fashion Inc. having its' last known place of business at 457 West Allen Avenue – Suite 115A San Dimas, CA 91773 and Glory Victory Trading Limited, having its' principal place of business at Unit 08, 15/F Witty Commercial Building 1A-1L Tung Choi Street, Kowloon Hong Kong zip 999077, Hong Kong China on the 1st Count For Relief jointly and severally in the sum of \$206,445.39² together with interest on said amount pursuant to state law (CPLR 5001) at 9% per annum in the sum of \$38,662.07, and costs in the sum of \$2,052.87, making a total of \$247,160.33.

ORDERED, ADJUDGED and DECREED that the claims against Defendant Top Fashion Group are DISMISSED without prejudice because Plaintiff was unable to serve the default

² Plaintiff requested damages in the amount of \$211,572.30, *see* Proposed Order, Dkt. 36, and provided a spreadsheet showing how it reached that total, *see* Spreadsheet, Dkt. 55. The Court was able to confirm Plaintiff's numbers in the spreadsheet at Dkt. 55 except for the \$5,126.91 commission listed in the first row. The August 28, 2021, statement confirms the \$9,999.24 commission listed in the second row but does not support the existence of a \$5,126.91 commission as listed in the first row. Heaven Decl., Ex. 4, Dkt. 41-1 at 26.

judgment papers on that Defendant. *See* Letter, Dkt. 53 at 2 (Plaintiff agreeing to discontinue action against Top Fashion without prejudice).

Dated: New York, New York
June 4, 2024



Hon. Valerie E. Caproni
United States District Judge